

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**BERNHARDT TIEDE, II;
TEXAS PRISONS COMMUNITY
ADVOCATES; BUILD UP, INC. A/K/A
JUSTICE IMPACTED WOMEN'S
ALLIANCE; TEXAS CITIZENS
UNITED FOR REHABILITATION OF
ERRANTS; and COALITION FOR
TEXANS WITH DISABILITIES,
*Plaintiffs,***

V.

BRYAN COLLIER, in his official capacity
as Executive Director of Texas
Department of Criminal Justice,
Defendants.

Civil Action No.:
1:23-CV-01004-RP

**DEFENDANT’S CROSS-DESIGNATIONS AND OBJECTIONS TO
PLAINTIFFS’ DEPOSITION DESIGNATIONS FOR PRELIMINARY INJUNCTION HEARING**

Defendant Bryan Collier, in his official capacity as Executive Director of the Texas Department of Criminal Justice (“TDCJ”), respectfully files his objections to Plaintiffs’ Deposition Designations for Preliminary Injunction Hearing [ECF No. 155]. Plaintiffs’ designations are an incomplete and cherry-picked montage of the testimony given by the witness. Although Defendant objects to the admission of the testimony in its entirety due to the availability of the witness to testify live, Defendant now supplements Plaintiffs’ designations to comply with the rule of optional completeness. Defendant’s cross-designations in this report are not intended to for purposes of admission by Defendant but are simply to give the Court a more complete representation of the questioning and the testimony, and to include Defendant’s objections.

	PLAINTIFF'S DESIGNATIONS	DEFENDANT'S CROSS- DESIGNATIONS	OBJECTIONS	COURT RULING
1.	8:9 – 9:8	---		
2.	20:10 – 20:15	19:25 – 20:23		
3.	20:19 – 20:23 beginning with “Mr. Collier, despite”	19:25 – 20:23		
4.	26:2 – 26:7	---	Outside the scope; asked and answered	
5.	26:13 – 26:14	25:1 – 26:25		
6.	27:1 – 27:4	27:1 – 28:14	Outside the scope;	
7.	28:9 – 29:9 beginning with “is it really”	---		
8.	29:16 – 29:21	---	Outside the scope	
9.	29:23 – 30:3	---		
10.	30:1 – 30:3	---		
11.	38:1 – 38:12 beginning “And you’re in the”	38:1 – 39:11		
12.	39:2 – 39:11	---		
13.	40:15 – 40:25	40:7 – 40:25		
14.	41:9 – 41:12	---		
15.	42:16 – 43:4 beginning with “So Director Collier” ending with “correct”	42:6 – 43:4		
16.	43:11 – 43:16	43:11 – 43:24		
17.	43:25 – 43:25	43:25 – 45:5		
18.	44:1 – 44:3	43:25 – 45:5		
19.	45:6 – 45:18	45:6 – 46:18		
20.	50:4 – 50:11 beginning “Whether” ending with “yes.”	50:4 – 52:5		
21.	65:24 – 66:1	65:20 – 66:1		
22.	69:13 – 69:24 beginning “so you’re telling”	69:1 – 70:4		
23.	70:19 – 70:24	70:19 – 71:14		
24.	71:15 – 71:18	71:15 – 71:18; 71:24 – 72:5		
25.	72:6 – 72:17	72:6 – 72:17; 72:23 – 72:25		
26.	77:1 – 77:11	77:1 – 79:19		

27.	80:7 – 81:1	80:4 – 81:1		
28.	99:17 – 100:3	99:17 – 100:12		
29.	100:13 – 100:17	---		
30.	109:19 – 110:17	109:10 – 111:8		
31.	111:1 – 111:8	109:10 – 111:8		
32.	120:3 – 120:10	117:8 – 120:10		
33.	129:13 – 129:20	128:19 – 128:22	Misstates testimony	
34.	129:22 – 129:22	128:19 – 128:22		
35.	131:12 – 132:10	130:17 – 132:25		
36.	132:17 – 132:25	130:17 – 132:25		
37.	133:13 – 133:16	---	Outside the scope	
38.	133:18 – 133:25	---		
39.	134:1 -134:5	134:1 – 134:10		
40.	134:11 – 134:13	---	Outside the scope	
41.	134:15 – 134:23	134:15 – 134:25	Outside the scope	
42.	134:25 – 134:25	134:15 – 134:25		
43.	135:1 – 135:6	---	Outside the scope	
44.	135:8 – 135:12	---	Outside the scope	
45.	135:14 – 135:14	---		
46.	136:25 – 137:8 beginning “Now, 2022 and 2023”	136:25 – 137:8		
47.	138:1 – 138:6	---		
48.	138:21 – 139:4 through “sir.”	138:21 – 139:7		
49.	141:2 – 141:18	---		
50.	142:22 – 143:15	---		
51.	144:8 – 144:13	---		
52.	145:5 – 145:10	---		
53.	147:25 – 148:13	---		
54.	150:4 – 150:16	---		
55.	151:15 – 151:18	Objection	Argumentative/Assumes facts not in evidence, vague	
56.	151:20 – 151:22	---		
57.	153:5 – 153:12	---	Misstates testimony	
58.	153:14 – 153:15	---		
59.	159:8 – 159:14	---		
60.	160:11 – 160:23	---	Argumentative	
61.	161:1 – 161:10 beginning “You know there’s”	---	Asked and answered	
62.	161:12 – 161:19	161:12 – 162:21	Asked and answered	
63.	161:21 – 161:21	161:12 – 162:21	Asked and answered	
64.	162:2 – 162:3	162:2 – 162:5		
65.	162:5 – 162:5	162:2 – 162:5; 163:24 – 164:7		

66.	171:24 – 172:3	---		
67.	171:25 – 171:25	---		
69.	172:20 – 172:25	172:9-173:7	Outside the scope, seeking personal testimony	
70.	173:2 – 173:4	172:9-173:7	Outside the scope, harassing, argumentative	
72.	174:4 – 174:6		Argumentative	
73.	174:8 – 174:15	---		
74.	177:22 -177:25	---		
75.	193:20 – 193:23	---		
76.	194:12 – 194:22	---		
77.	195:20 – 195:25	195:20 – 196:2		
78.	196:1 – 196:2	195:20 – 196:2		
79.	198:16 – 198:24	---		
80.	199:15 – 199:17	---	Speculation/Lay Witness/Compound	
81.	199:19 – 199:25	---		
82.	200:1 – 200:4	---	Speculation/Lay Witness	
83.	200:6 – 200:11	---		
84.	201:5 – 201:10	201:5 – 201:12	Argumentative	
85.	201:13 – 201:16	---	Compound	
86.	201:18 – 201:19	---		
87.	202:20 – 202:23	---		
88.	203:2 – 203:8	---		
89.	205:7 – 205:14	---	Speculation/Lay Witness	
90.	205:16 – 205:23	---	Speculation/Lay Witness	
91.	205:25 – 205:25	---		
92.	206:1 – 206:5	---	Speculation/Lay Witness	
93.	206:7 – 206:7	---		
94.	214:1 – 214:4	214:1 – 214:4; 214:23 – 214:25		
95.	222:17 – 222:19	---	Speculation	
96.	222:21 – 222:21	---		
97.	224:5 – 224:8	224:5 – 225:7		
98.	229:22 – 229:25	---		
99.	230:1 – 230:2		Speculation/Compound/Lay Witness	
100.	230:4 – 230:4	230:4 – 230:14		
101.	231:5 – 231:22	231:5 – 231:23	Relevance	
102.	231:24 – 231:25	---	Speculation/Compound Counsel Testifying	
103.	232:1 – 232:4	---	Speculation/Compound Counsel Testifying	
104.	232:6 – 232:11	232:6 – 232:12	Counsel Testifying	
105.	232:13 – 232:17	232:13 – 232:18	Vague (all times)	

106.	232:19 – 232:22	232:19 – 232:23	Speculation	
107.	232:24 – 232:24	232:24 – 233:8		
108.	233:9 -233:15	233:9 – 233:15; 233:23 – 234:2		
109.	234:3 – 234:7	---	Compound	
110.	234:9 – 234:10	---		
111.	235:16 – 235:25 beginning “when a prison is”	235:15 – 236:15		
112.	237:14 – 237:19	237:14 – 237:19; 237:25 – 238:21		
113.	239:15 – 239:25	239:2 – 239:14		
114.	240:1 – 240:4	240:1 – 240:5	Argumentative/Leading	
115.	240:6 – 240:16	240:6 – 240:17	Argumentative	
116.	240:18 – 240:18	240:18 – 240:24; 241:22 – 241:25	Argumentative/Relevance	
117.	242:10 – 242:14	242:2 – 242:16	Argumentative/Speculation	
118.	242:16 – 242:16	---		
119.	242:3 – 242:8	---	Ambiguous/Vague	
120.	242:24 – 242:25	242:22 – 243:1	Argumentative/Leading	
121.	243:3 -243:8	243:3 – 243:16		
122.	244:8 – 244:25	244:8 – 245:3	Argumentative	
123.	245:1 – 245:2	244:8 – 245:3	Argumentative	
124.	245:4 - 245:9	245:4 – 245:10	Compound	
125.	245:11 – 245:14	245:11 – 245:15	Speculation/Lay Witness/ Mischaracterization of Evidence	
126.	245:16 – 245:25	245:16 – 246:17		
127.	246:1 – 246:4	245:16 – 246:17		
128.	246:18 – 246:23	246:18 – 246:24	Speculation/Compound	
129.	247:2 – 247:4 beginning “but you would agree”	246:25 – 247:5	Argumentative; Inflaming Jury (dead yet); Mischaracterization of Evidence	
130.	247:6 – 247:11	247:6 – 247:24		
131.	247:25 – 247:25	247:25 – 248:4	Argumentative/Speculation	
132.	248:1 – 248:3	247:25 – 248:4	Argumentative/Speculation	
133.	248:5 – 248:10	---		
134.	248:16 – 248:25	248:16 – 250:1		
135.	249:1 – 249:2	248:16 – 250:1		
136.	250:2 – 250:11	---		
137.	251:9 – 251:23	251:9 – 252:11		
138.	252:12 – 252:23	---		
139.	253:15 – 253:22	253:13–14		
140.	257:18 – 257:25	257:15 – 258:1		
141.	258:1 – 258:1	257:15 – 258:1		

142.	260:15 – 260:18	260:19		
143.	260:20 – 260:25	---		
144.	261:1 – 261:1	---		
145.	261:6 – 261:9	261:6 – 261:10	Vague, Argumentative/Counsel Testifying, Lack of Foundation/Speculation	
146.	261:11 – 261:14	261:11 – 262:5		
147.	262:6 – 262:14	262:6 – 263:1		
148.	262:20 – 262:25 beginning “Do you understand?”	---		
149.	263:1 – 263:2	263:1 – 263:3	Argumentative, harassing, scope, lack of foundation	
150.	263:4 – 263:9	263:4 – 263:10	Argumentative/harassing, scope, lack of foundation	
151.	263:11 – 263:14	--		
152.	265:4 – 265:14	264:1–265:3	Argumentative/Speculation	
153.	265:16 – 265:16	265:16 – 266:3		
154.	266:4 – 266:24	266:4 – 266:25	Argumentative/Counsel Testifying, Harassing by not allowing witness to complete his response.	
155.	267:1 – 267:5	267:1 – 267:6	Asked and Answered, Argumentative, Speculation, Harassment of Witness, Vague, Compound	
156.	267:7 – 267:20	267:7 – 267:21	Asked and Answered, Argumentative, Vague	
157.	267:11 – 267:25	---	Asked and Answered, Argumentative, Calls for Speculation	
158.	268:1 – 268:9	268:1 – 268:10	Asked and Answered, Lay Witness/Lack of Foundation/Speculation	
159.	268:11 – 268:19	268:11 – 268:20	Lay Witness/Lack of Foundation/Speculation	
160.	268.21 – 268.21	---		
161.	269:4 – 269:7	269:4 – 269:8	Calls for Speculation	
162.	269:9 -269:9	269:9 – 269:17		
163.	269:18 – 269:25	269:18 – 270:2	Asked and Answered, Argumentative	
164.	270:1 – 270:1	269:18 – 270:2	Asked and Answered, Argumentative	
165.	270:3 – 270:11	270:3 – 270:12	Argumentative	
166.	270:13 – 270:18	270:13 – 270:19	Vague, Argumentative	

167.	270:20 – 270:25	---		
168.	271:1 – 271:13	271:1 – 271:14	Asked and Answered, Argumentative	
169.	271:15 – 271:25	---		
170.	272:1 – 272:11	272:1 – 272:12	Argumentative, Calls for Speculation	
171.	272:13 – 272:15	272:13 – 272:16	Vague, Argumentative	
172.	272:17 – 272:25	272:17 – 273:3	Argumentative, Lay Witness, Calls for Speculation	
173.	273:1 – 273:2	272:17 – 273:3	Argumentative, Lay Witness, Calls for Speculation	
174.	273:4 – 273:12	273:4 – 273:13	Asked and Answered	
175.	273:14 – 273:23	273:14 – 273:24	Calls for Speculation	
176.	273:25 – 273:25	---		
177.	274:1 – 274:3	274:1 – 274:4	Outside the Scope	
178.	274:5 – 274:10	274:5 – 274:11	Outside the Scope	
179.	274:12 – 274:25	---		
180.	275:1 – 275:11	275:1 – 275:12	Calls for Speculation	
181.	275:13 – 275:25	275:13 – 276:3	Argumentative, Calls for Speculation	
182.	276:1 – 276:2	275:13 – 276:3	Argumentative, Leading, Calls for Speculation	
183.	276:4 – 276:8	276:4 – 276:10	Outside the Scope, Asked and Answered, Calls for Speculation	
184.	276:11 – 276:20	276:11 – 276:21	Asked and Answered, Argumentative,	
185.	276:22 – 276:25	---		
186.	277:1 – 277:2	---		
187.			Outside the Scope	
189.	277:20 – 277:25	---		
190.	278:1 – 278:3	---		
191.	278:11 – 278:25	278:11 – 279:1	Asked and Answered, Mischaracterization of Testimony, Vague	
192.	279:2 – 279:2	279:2 – 279:3		
193.	279:4 – 279:9	279:4 – 279:19	Argumentative, Mischaracterization of the Evidence, Harassment of Witness	
194.	279:11 – 279:11	279:11 – 279:19		
195.	279:20 – 279:25	279:20 – 280:1	Argumentative, Mischaracterization of Testimony, Calls for Speculation	
196.	280:2 – 280:3	---		

197.	280:8 – 280:15	280:8 – 280:16	Argumentative, Calls for Speculation	
198.	280:17 – 280:21	---		
199.	281:4 – 281:14	281:4 – 282:15	Compound, Calls for Speculation, Vague, Argumentative, Lay Witness	
200.	282:16 – 282:25	282:16 – 283:17		
201.	283:18 – 283:19	283:18 – 283:20	Argumentative, Mischaracterization of Testimony	
202.	283:21 – 283:23	283:21 – 283:24	Argumentative, Mischaracterization of Testimony	
203.	283:25 – 283:25	283:25 – 284:5		
204.	284:1 – 284:2	283:25 – 284:5		
205.	284:4 – 284:6	284:4 – 284:7	Argumentative, Mischaracterization of Testimony	
206.	284:8 – 284:12	284:8 – 284:14	Argumentative, Mischaracterization of Evidence, Asked and Answered	
207.	284:14 – 284:14	284:8 – 284:14; 285:5 – 285:13	Argumentative, Mischaracterization of Evidence, Asked and Answered	
208.	286:10 – 286:14	286:10 – 286:16	Outside the Scope, Calls for Speculation, Vague	
209.	286:17 – 286:25	---		
210.	287:1 – 287:4	---		
211.	292:6 – 292:8	292:6 – 292:9	Argumentative, Vague	
212.	292:10 – 292:10	292:6 – 292:9	Argumentative, Vague	
213.	292:20 – 292:23	---		
214.	294:11 – 294:23	294:11 – 294:23; 295:2 – 295:9		
215.	304:5 – 304:7	Form; 304:5 – 304:8	Vague	
216.	304:9 – 304:25	Form; 304:9 – 305:4	Compound, Argumentative	
217.	305:1 – 305:2	Form; 304:9 – 305:4	Compound, Argumentative	
218.	305:4 – 305:4	Form; 304:9 – 305:4	Compound, Argumentative	
219.	305:11 – 305:16	305:11 – 305:19	Outside the scope;	
220.	305:18 – 305:19	305:11 – 305:19	Outside the scope;	
221.	306:1 – 306:12	306:1 – 306:14	Outside the scope	

222.	306:14 – 306:14	306:1 – 306:14	Outside the scope	
223.	307:8 – 307:11	307:8 – 307:14	Outside the scope	
224.	307:13 – 307:14	307:8 – 307:14	Outside the scope;	
225.	309:1 – 309:9	309:1 – 309:14	Compound, Argumentative	
226.	309:11 – 309:14	309:1 – 309:14	Compound, Argumentative	
227.	310:16 – 310:22 beginning “the person on the committee”	310:16 – 310:22		
228.	313:21 – 313:24	---		
229.	314:10 – 314:14 beginning with “as you testify”	314:8 – 314:14		
230.	315:14 – 315:24	---		

Respectfully submitted.

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NOTICE OF ELECTRONIC FILING

I, **ABIGAIL K. CARTER**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true copy of the above in accordance with the Electronic Case Files System of the Western District of Texas, Austin Division, on August 1, 2024.

/s/ Abigail K. Carter

ABIGAIL K. CARTER

Assistant Attorney General

CERTIFICATE OF SERVICE

I, **ABIGAIL K. CARTER**, Assistant Attorney General of Texas, certify that a true copy of the above has been served by via email to all counsel of record through this Court's electronic filing system.

/s/ Abigail K. Carter

ABIGAIL K. CARTER

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